

## HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

## Notification

e 29th October, 1999

**No. Rules/X.B. 9(b)/200.**—In exercise of the powers vested in them by section 139 (b) of the Code of Civil Procedure (Act V of 1908) section 2 (1) (b) of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) and section 3 (2) (a) (b) of the Oath Act, 1969, the Hon'ble Chief Justice and Judges of this Court are pleased to appoint Sukhdarshan Singh, Advocate, Civil Courts, Ambala City as Commissioner for administering Oaths and the aforesaid Acts in accordance with the terms and Orders, Volume IV for Ambala City for a period of two years from the date of notification or till further orders of this Court whichever is earlier.

of the powers vested in them by section 139 (b) of the Code of Civil Procedure (Act V of 1908) section 2 (1) (b) of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) and section 3 (2) (a) (b) of the Oath Act, 1969, the Hon'ble Chief Justice and Judges of this Court are pleased to appoint Sukhdarshan Singh, Advocate, Civil Courts, Ambala City as Commissioner for administering Oaths and the aforesaid Acts in accordance with the terms and Orders, Volume IV for Ambala City for a period of two years from the date of notification or till further orders of this Court whichever is earlier.

e 1st November, 1999

**No. Rules/X.B. 9 (b)/203.**—In exercise of the powers vested in them by section 139 (b) of the Code of Civil Procedure (Act V of 1908) section 297 (1) (b) of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) and section 3 (2) (a) (b) of the Oath Act, 1969, the Hon'ble Chief Justice and Judges of this Court are pleased to appoint Shri Ravinder Singh, Advocate, Civil Courts, Charkhi Dadri, district Bhiwani as Commissioner for administering oaths and the aforesaid Acts in accordance with the terms and Orders, Volume IV for Charkhi Dadri for a period of two years from the date of notification or till further orders of this Court whichever is earlier.

of the powers vested in them by section 139 (b) of the Code of Civil Procedure (Act V of 1908) section 297 (1) (b) of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) and section 3 (2) (a) (b) of the Oath Act, 1969, the Hon'ble Chief Justice and Judges of this Court are pleased to appoint Shri Ravinder Singh, Advocate, Civil Courts, Charkhi Dadri, district Bhiwani as Commissioner for administering oaths and the aforesaid Acts in accordance with the terms and Orders, Volume IV for Charkhi Dadri for a period of two years from the date of notification or till further orders of this Court whichever is earlier.

**No. Rules/X.B. 9. (b)/204.**—In exercise of the powers vested in them by section 139 (b) of the Code of Civil Procedure (Act V of 1908) section 297 (1) (b) of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) and section 3 (2) (a) (b) of the Oath Act, 1969, the Hon'ble Chief Justice and Judges of this Court are pleased to appoint Shri Vikram Singh, Advocate, District Court, Bhiwani as Commissioner for administering Oaths and Affirmations and the aforesaid Acts in accordance with the terms and Orders, Volume IV for Bhiwani for a period of two years from the date of notification or till further orders of this Court whichever is earlier.

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BY O.

ER OF HON'BLE THE CHIEF JUSTICE AND JUDGES

(Sd.) . . .

(S. N. AGGARWAL),

Joint Registrar (Rules),  
for Registrar.IN THE HIGH COURT OF PUNJAB  
ORIGINALAND HARYANA AT CHANDIGARH  
COMPANY JURISDICTION

IN COMPANIES

PETITION NO. 265 OF 1999

[(Under Section 391 to 394 of the Companies Act, 1956)]

of the Companies Act, 1956 (1 to 1956)]

In the matter of :

Sections 391 to 394 of the Companies Act, 1956

And in the Matter of :

E.I DuPont India Limited  
a Company Incorporated under the Companies Act, 1956 having its Registered Office at  
8th Floor, DLF Plaza Tower,  
DLF, Qutab Enclave, Phase-I,  
Gurgaon, Haryana

Act, 1956 having its Registered Office at

.. Petitioner—Company

NOTICE CONVENING MEETING OF  
SECURED CREDITORS OF THE PETITIONER COMPANY

THE SECURED CREDITORS OF THE PETITIONER COMPANY

Notice is hereby given that by an order made on 1st day of November, 1999, the Hon'ble High Court of Punjab and Haryana at Chandigarh has directed that a meeting of Secured Creditors of the Petitioner-Company be convened for the purpose of considering, and if thought fit, approving, with or without modifications, the arrangement proposed to be made between DuPont South Asia Limited being the Transferor Company and E.I. DuPont India Limited, the Transferee Company.

order made on 1st day of November, 1999, the Hon'ble High Court of Punjab and Haryana at Chandigarh has directed that a meeting of Secured Creditors of the Petitioner-Company be convened for the purpose of considering, and if thought fit, approving, with or without modifications, the arrangement proposed to be made between DuPont South Asia Limited being the Transferor Company and E.I. DuPont India Limited, the Transferee Company.

In pursuance of the said order and as directed therein, further notice is hereby given that a meeting of the Secured Creditors of the Petitioner-Company will be held at the registered office of the Petitioner-Company at 8th Floor DLF Plaza Tower, DLF Qutab Enclave, Phase-I, Gurgaon, Haryana at 10.00 A.M. on Sunday the 12th December, 1999 at which time and place the said Secured Creditors of the Petitioner-Company are requested to attend.

Copies of the said arrangement embodied in the proposed Scheme and of the Statement under Section 393 of the Companies Act, 1956, can be had free of charge at the registered office of the said Petitioner-Company at 8th Floor DLF Plaza Tower, DLF Qutab Enclave, Phase-I, Gurgaon, Haryana.

Persons entitled to attend and vote at the meeting may vote in person or by a proxy provided that all proxies in the prescribed forms, are deposited at the registered office of the Petitioner-Company at 8th Floor, DLF Plaza Tower, DLF Qutab Enclave, Phase-I, Gurgaon Haryana not later than 48 hours prior to the meeting.

The Form of Proxy can be had at the abovesaid registered office of the Petitioner-Company.

The Court has appointed Ms. Jaishree Thakur, Advocate to be the Chairman of the said meeting and failing her Mr. Sanjay Kaushal, Advocate to be the alternative Co-Chairman of the said meeting. The abovementioned Scheme of Amalgamation, if approved by the said meeting, will be subject to subsequent approval of the Court.

(Sd.) . . . .

(Chairman appointed for the meeting).

Place: Chandigarh

Dated: 16th November, 1999

Note: All alterations made in the Form of Proxy should be initiated.

(Sd.) . . . .

Court Secretary,  
Punjab & Haryana High Court,  
Chandigarh.

[45—1]

# IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

## ORIGINAL COMPANY JURISDICTION

### IN COMPANY PETITION NO. 265 OF 1999

[(Under Sections 391 to 394 of the Companies Act, 1956 (1 of 1956)]

In the Matter of :

Sections 391 to 394 of the Companies Act, 1956

And in the Matter Of:

E.I. DuPont India Limited

a Company Incorporated under the Companies Act, 1956 having its Registered Office at

8th Floor, DLF Plaza Tower  
DLF Qutab Enclave, Phase-I  
Gurgaon, Haryana

.. Petitioner--Company

### NOTICE CONVENING MEETING OF THE UNSECURED CREDITORS OF THE NOMINAL VALUE OF RUPEES TEN THOUSANDS AND ABOVE OF THE PETITIONER-COMPANY

Notice is hereby given that by an order made on 1st day of November, 1999, the Hon'ble High Court of Punjab and Haryana at Chandigarh has directed that a meeting of Unsecured Creditors of the Petitioner-Company of the nominal value of Rs. 10,000 and above be convened for the purposes of considering and, if thought fit, approving, with or without modifications, the arrangements embodied in the Scheme of Amalgamation proposed to be made between Du Pont South Asia Limited being the Transferor Company and E.I. DuPont India Limited, the Transferee Company.

In pursuance of the said order of the Unsecured Creditors of the Petitioner-Company, the meeting shall be held at the registered office of the Petitioner-Company at 8th Floor, DLF Plaza Tower, DLF Qutab Enclave, Phase-I, Gurgaon, Haryana at place the said Unsecured Creditors of the

directed therein, further notice is hereby given that a meeting of the Petitioner-Company of the nominal value of Rs. 10,000 and above will be held at 8th Floor, DLF Plaza Tower, DLF Qutab Enclave, Phase-I, Gurgaon, Haryana at 10.30 A.M. on Sunday the 12th December, 1999 at which time and place the said Unsecured Creditors of the Petitioner-Company are requested to attend.

Copies of the said arrangement under Section 393 of the Companies Act, 1956 shall be made available to the Petitioner-Company at 8th Floor, D.L.F.

embodied in the proposed Scheme and of the Statement under which the same can be had free of charge at the registered office of the said Petitioner-Company at 8th Floor, DLF Plaza Tower, DLF Qutab Enclave, Phase-I, Gurgaon, Haryana.

Persons entitled to attend and all proxies in the prescribed forms, are requested to be deposited at the registered office of the Petitioner-Company at 8th Floor, DLF Plaza Tower, DLF Qutab Enclave, Phase-I, Gurgaon, Haryana not later than 48 hours prior to the meeting.

Persons entitled to attend and all proxies in the prescribed forms, are requested to be deposited at the registered office of the Petitioner-Company at 8th Floor, DLF Plaza Tower, DLF Qutab Enclave, Phase-I, Gurgaon, Haryana not later than 48 hours prior to the meeting.

The Form of Proxy can be had at the above-said registered office of the Petitioner-Company.

Persons entitled to attend and all proxies in the prescribed forms, are requested to be deposited at the registered office of the Petitioner-Company at 8th Floor, DLF Plaza Tower, DLF Qutab Enclave, Phase-I, Gurgaon, Haryana not later than 48 hours prior to the meeting.

The Court has appointed Ms. Ashree Thakur, Advocate to be the Chairman of the said meeting and failing her, Mr. Sanjay Kaushal, Advocate to be the alternative Co-Chairman of the said meeting. The above mentioned Scheme of Amalgamation, if approved by the said meeting, will be subject to subsequent approval of the Court.

Persons entitled to attend and all proxies in the prescribed forms, are requested to be deposited at the registered office of the Petitioner-Company at 8th Floor, DLF Plaza Tower, DLF Qutab Enclave, Phase-I, Gurgaon, Haryana not later than 48 hours prior to the meeting.

(Sd.) . . .

(Chairman appointed for the meeting)

Place : Chandigarh

Dated : 16th November, 1999

Note: All alterations made in the Form of Proxy should be initiated.

(Sd.) . . .

Court Secretary,  
Punjab and Haryana High Court,  
Chandigarh.

[46—1]

## HARYANA ELECTRICITY

## REGULATORY COMMISSION, PANCHKULA, HARYANA

10th day of November, 1999

No. 7/99.—In the exercise of powers conferred on it by sub-section (2) of section 9, sub-section (3) of section 12, sub-section (2) of section 26 and section 54 of the Haryana Electricity Reform Act, 1997 (Act 10 of 1998) and all powers enabling it in that behalf, the Haryana Electricity Regulatory Commission hereby makes the following Regulations:

namely :—

### CHAPTER I

#### SHORT TITLE, COMMENCEMENT AND INTERPRETATION

1. (1) These Regulations shall be called the Haryana Electricity Regulatory Commission (Tariff) Regulations, 1999.
- (2) They shall come into force on the date of their publication in the Official Gazette.
- (3) They extend to the whole of Haryana.
- (4) The Punjab General Clauses Act, 1898 (Act 1 of 1898) as applicable to the State of Haryana shall apply to the interpretation of these Regulations.
- (5) Words or expressions occurring in these Regulations and not specially defined herein shall bear the same meaning as in the Haryana Electricity Reform Act, 1997 (Act 10 of 1998).

[47—1]

## CHAPTER II

## ANNUAL REVENUE REPORTS AND TARIFF FILINGS

**Filing of Annual Revenue Report :**

2. (1) Each year, at the time required by its licence, each licensee shall file with the Commission a report for each of its Separate Businesses on its expected aggregate revenue from charges under its currently approved tariff and its expected cost of service.

(2) The report referred to in paragraph (1) shall contain the following information :—

- (a) the licensee's demand forecast by consumer class for the ensuing financial year and the derivation of the forecast ;
- (b) a calculation of expected aggregate revenue that would result from the above demand during the same period under the currently approved tariff by consumer class ;
- (c) a calculation of the licensee's estimated costs of providing the service required by the level of demand indicated in sub-paragraph (a) above for each consumer class during the same period calculated in accordance with the financial principles and their applications in the Sixth Schedule to the Electricity (Supply) Act, 1948, or such other principles the Commission may prescribe from time to time ;
- (d) the licensee's general explanation of how it proposes to deal with any significant divergence between the revenue and cost figures provided in sub-sections (b) and (c) above ; and
- (e) such other information as the Commission may direct from time to time.

(2) The licensee shall furnish to the Commission when required such information, particulars, and documents as the Commission may require from time to time for the purpose of validating the report submitted pursuant to paragraph (2).

(4) Once the licensee has provided all the requisite information, particulars, and comments required by the Commission, the Commission shall notify the licensee of its decision in terms of sub-section (5) of section 26 of the Act within the time set forth in the Act.

**Tariff Filings**

3. (1) If the Commission determines that a licensee's expected revenues differ significantly from the revenue it is permitted to recover under its licence, it may order the licensee to file an application within 90 days to amend its tariffs appropriately.

(2) Licensees are required to submit five copies of each tariff application to the Secretary.

(3) Tariff application shall include the following :

- (a) Where the proposed date of implementation falls within a financial year for which the Commission has previously determined a permitted aggregate revenue requirement, the filing of proposed tariff should be accompanied by a copy of the relevant Annual Revenue Report as submitted by the licensee, plus a copy of the order passed by the Commission in relation to that report.

Where no determination of a permitted aggregate revenue requirement has been made for the financial year in which the proposed tariff is to be implemented, the filing of proposed tariff should be accompanied by the Annual Revenue Report for that financial year.

(b) The information to be provided by the licensee must include—

- (i) A statement of the current tariff rates and all applicable terms and conditions, and the expected full year revenue from the current tariff rates in the year in which the new tariff is to be implemented.
- (ii) A statement of the proposed tariff rate prices and changes, including a full statement of all applicable terms and conditions. This statement should be shown in a form appropriate to the proposed tariff structure. Details should also be supplied of the publicity intended to be given to new tariff options when they are to be implemented.

- (iii) A statement of the expected full-year revenue of the proposed tariff for the year in which the tariff is to be implemented.
- (iv) If the proposed tariff is to be introduced at the start of the financial year, a statement of the proportion of expected revenue a quantities supplied under each proposed rate during the remaining months of the financial year shall be included.
- (v) A statement of the estimated change in the proposed tariff changes in the year in Rupees and percentage terms. It shall include a statement of the effect of the proposed tariff changes on a typical small, average and large consumer in each tariff class. For this purpose, a typical small consumer is defined such that within the tariff class, 90% of the consumers supplied under that tariff have a greater total expenditure on tariff charges than small consumer. Similarly, a typical large consumer is defined such that 90% of the consumers supplied under the tariff would have a lesser expenditure over a 12 month period than the typical large consumer. The average consumer shall be defined as a consumer having expenditure on tariff charges equal to the average expenditure in that tariff class.
- (vi) An embedded cost study detailing the revenue requirement into consumer classes, and determination of embedded costs based tariffs, free of external subsidies and cross-subsidies. The study shall include all relevant details and methods used for determination of tariffs for each consumer class. If the licensee proposes cost-based tariffs for all consumer classes, the proposed tariff must be the result of the embedded cost study.
- (vii) A study of marginal costs of the licensee's business, including time-differentiated, short-term marginal costs by voltage and a written explanation of the methods used to calculate marginal costs. In addition, the statement shall include a comparison on the percentage of marginal costs covered by the current and proposed tariff for each tariff class.
- (viii) A written explanation of the ratio for the proposed tariff changes, including justification of the return on equity and the requested.
- (ix) A statement that calculates the amount of cross subsidy in the existing tariffs and in the proposed tariffs, and compares the statement is required, as applicable in the transition period by the Commission. If the proposed tariffs include a cross subsidy, a statement shall show how this complies with any planned transition.
- (x) A statement containing full details of the calculation of any subsidy received, due assumed to be due from the State or Government, the consumers to whom it is directed, and documentation showing the subsidy is reflected in the current and proposed tariffs. This statement shall also include the tariff applicable to those consumers. The subsidy of the subsidy for those consumers. The subsidy calculations shall also compare the situation in the year in which the tariff is to be implemented with similar data for the previous year and, where relevant, the current year.
- (xi) A written explanation, supported by calculations of tariff rates, of any proposed new tariff.
- (xii) The licensee may, if he so wishes, submit any more recent updates of information specified in Sections 6, 7 and 8 of the Annual Revenue Report Guidelines available at the time of the tariff filing.
- (xiii) Any other information, as required by the relevant license or specified by the Commission.
- (4) If the licensee believes that the amendments being proposed are minor in nature and will not change significantly either the expected aggregate revenues or the bills of any class of consumer, the licensee may request waiver of any of the requirements of paragraph (3)(b) subject to the approval of the Commission.

(5) Within 7 days after the Commission has notified the licensee that it has received all necessary information, the licensee shall arrange for publication of a notice of its tariff application in accordance with Section 26(6) of the Act and send copies to the Commission Advisory Committee and relevant local authorities in accordance with Chapter II of the Conduct of Business Regulations. The notice shall include a general description of the tariff amendment being applied for and its effect on the typical residential consumer's bill, and an invitation to submit written comments and objections to the tariff application to the Commission within 30 days. The licensee shall also post the notification in each of its offices.

#### Fuel Surcharge Adjustment

4. (1) No tariff may be amended more frequently than once in any financial year except that tariff rates shall be adjusted quarterly in accordance with any fuel surcharge adjustment formula (FSA) incorporated in the tariff with the approval of the Commission.

(2) Unless otherwise agreed by the Commission, an FSA shall be in the following form: —

$$A_i - PPC_{i-1} - OF_{i-1} - EPR_{i-1} + BB_i$$

where :

$A_i$  is the amount by which the licensee's revenues under the relevant tariff are to be increased or decreased during quarter  $i$  (a negative number representing a reduction and a positive number representing an increase in revenues)

$PPC_{i-1}$  is the licensee's cost of purchased power for the actual level of sales and the allowed level of loss in the post recent quarter ending before quarter  $i$ , calculated as

$$P_{i-1} \times QACT_{i-1} \times (1+L)$$

where :

$P_{i-1}$  is the actual average cost of purchased power incurred by the licensee in the most recent quarter ending before quarter  $i$ ,

$QACT_{i-1}$  is the actual level of sales experienced by the licensee in the most recent quarter ending before quarter  $i$

$L$  is the average level of energy losses allowed by the Commission in the cost of service and reflected in the licensee's tariffs,

$OF_{i-1}$  are any purchased power costs actually incurred by the licensee in the most recent quarter ending before quarter  $i$  that are disallowed by the Commission as having been incurred in breach of its economic purchasing obligation.

$EPR_{i-1}$  is the aggregate amount of the charges that the licensee is deemed to have recovered from its tariffs in the most recent quarter before quarter  $i$ , which is given by the formula :

$$EP_{i-1} \times Q_{i-1} \times (1+L)$$

where :

$EP_{i-1}$  is the average charge for purchased power for the most recent quarter ending before quarter  $i$  as determined by the Commission in the licensee's tariff.

$Q_{i-1}$  is the quantity of power deemed to have been sold by the licensee in the most recent quarter ending before quarter  $i$ , as determined by the Commission in the licensee's tariffs

$B_i$  is a balancing factor reflecting the extent to which the licensee has under-adjusted or over-adjusted its tariffs through previous fuel surcharge adjustments and is calculated as follows:

$$B_i = B_{i-1} + A_{i-1} - R_{i-1}$$

where :

$R_{i-1}$  is the total amount of fuel surcharges accruing due to the licensee from its sales to consumers in the quarter immediately preceding quarter  $i$

(3) The licensee shall allocate the FSA to each factor for each class contained in the currently approved

of consumers using the energy cost allocation F.

(4) The licensee shall provide the Commission with required to be made pursuant to its tariff before it is implemented and shall provide the Commission with such documentation and other information as it may require for adjustment.

ts calculation of each fuel surcharge adjustment and shall provide the Commission with such the purpose of verifying the correctness of the

#### Subsidies

5. (1) If a licensee proposes a tariff reflecting a subsidy to be provided by the State Government pursuant to Section 12(3) of the Act, the tariff application shall

also include a tariff calculated without the subsidy.

(2) A tariff reflecting a subsidy shall not be implemented except to the extent that the State Government has agreed in writing to pay the subsidy to the licensee for the supply to the licensee's consumers entitled to benefit from it. In publishing its tariff, the licensee shall inform its consumers that the approved tariff calculated without the subsidy shall apply if the State Government

ated except to the extent that the State Government the supply to the licensee's consumers entitled to inform its consumers that the approved tariff calculated subsidy is not so paid as determined by the Commission.

#### Intra-class Cross Subsidies

6. (1) It is the Commission's policy that in providing service to each consumer class in order to encourage efficiency, the economic use of resources, good performance and optimum investment and to ensure that consumers pay for electricity in a fair, reasonable and commercial manner, Each licensee shall submit a plan for the identification and elimination of any cross-subsidies in its tariffs for the Commission for its approval by the time specified in its license.

e's tariffs should reflect the reasonable cost of encourage efficiency, the economic use of resources, ensure that consumers pay for electricity in a fair, s, therefore, required to adopt and submit to the license a plan for the identification and progressive

(2) In each tariff application, licensees shall include a report on how far they have implemented the plan approved by the Commission for the elimination of cross-subsidies and the measures being proposed in the current application to implement the plan.

include a report on how far they have implemented the cross-subsidies and the measures being proposed in

#### General

7. The licensee shall publish a notice informing its consumers of each change in the tariff rate within seven days after the change is required to be implemented and such change shall taken effect seven days after such notice is published.

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(Sd.) . . . .

Secretary  
HERC

[47-1]